

UNITED STATES DISTRICT COURT

EASTERN

District of

NEW YORK

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

LOUIS FENZA

Case Number: CR-03-0921(S)-02 (ADS)

USM Number: 22084-053

Louis Fasulo, Esq. (RET)/Nicole Boeckmann, AUSA
 Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s) _____

☐ pleaded nolo contendere to count(s) _____
 which was accepted by the court.

☒ was found guilty on count(s) 1-5 (SIX COUNT SUPERSEDING INDICTMENT).
 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1962(c)	RACKETEERING, a Class C Felony		1
18:1962(d) and 1963	CONSPIRACY TO COMMIT RACKETEERING, a Class C Felony		2
18:1951(a)	CONSPIRACY TO AFFECT COMMERCE BY EXTORTION, a Class C Felony		3

CONTINUED ON PAGE 2

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) 6 & the underlying Indictment ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

March 27, 2009

Date of Imposition of Judgment

 Signature of Judge

HONORABLE ARTHUR D. SPATT, U.S.D.J.

Name and Title of Judge

April 2, 2009

Date

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AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 1A

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DEFENDANT: LOUIS FENZA
CASE NUMBER: CR-03-0921(S)-02 (ADS)

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1951(a) and 2	ATTEMPT TO AFFECT COMMERCE BY EXTORTION, a Class C Felony		4
18:1951(a) and 2	ATTEMPT TO AFFECT COMMERCE BY EXTORTION, a Class C Felony		5

AO 245B (Rev. 06/05) Judgment in Criminal Case
Sheet 2 — Imprisonment

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DEFENDANT: LOUIS FENZA
CASE NUMBER: CR-03-0921(S)-02 (ADS)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

EIGHTEEN (18) MONTHS ON COUNT ONE. COUNTS TWO, THREE, FOUR AND FIVE TO RUN CONCURRENT WITH COUNT ONE.

X The court makes the following recommendations to the Bureau of Prisons:
THAT THE DEFENDANT SERVE HIS SENTENCE IN A MINIMUM SECURITY FACILITY AS CLOSE TO LONG ISLAND AS POSSIBLE TO BE NEAR HIS FAMILY.

☐ The defendant is remanded to the custody of the United States Marshal.

X The defendant shall surrender to the United States Marshal for this district:

X at 12:00 ☐ a.m. X p.m. on _____ or Institution, if designated _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: LOUIS FENZA
CASE NUMBER: CR-03-0921(S)-02 (ADS)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

THREE (3) YEARS.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 3A — Supervised Release

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DEFENDANT: LOUIS FENZA
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ADDITIONAL SUPERVISED RELEASE TERMS

1. THE DEFENDANT SHALL PAY RESTITUTION IN THE SUM OF FIVE THOUSAND SEVEN HUNDRED DOLLARS (\$5,700.00) JOINT AND SEVERAL WITH CO-DEFENDANT FRANK LETO UNTIL THE FULL AMOUNT IS PAID EVEN AFTER THE TERM OF SUPERVISED RELEASE HAS TERMINATED. PAYMENTS SHALL COMMENCE THIRTY (30) DAYS AFTER HIS RELEASE FROM IMPRISONMENT. PAYMENTS SHALL BE MADE AS FOLLOWS: 10% OF HIS GROSS MONTHLY INCOME EACH MONTH ON THE FIRST OF THE MONTH. PAYMENTS SHALL BE MADE TO THE CLERK OF THE COURT. THE VICTIM INFORMATION SHALL BE PROVIDED BY THE U.S. ATTORNEY'S OFFICE.

2. THE DEFENDANT SHALL NOT ASSOCIATE WITH ANY MEMBER OR ASSOCIATE OF LA COSA NOSTRA EITHER IN PERSON, BY MAIL, OR BY TELEPHONE.

DEFENDANT: LOUIS FENZA
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 500.00	\$ N/A	\$ 5,700.00 Joint & Several

- ☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
VICTIM INFO. TO BE PROVIDED BY THE U.S. ATTORNEY'S OFFICE			

TOTALS \$ 0 \$ 0

- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- X The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- X the interest requirement is waived for the ☐ fine X restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B

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Sheet 6 — Schedule of Payments

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DEFENDANT: LOUIS FENZA
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 500.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

X Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

FRANK LETO CR-03-0921(S)-02.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.



UNITED STATES PROBATION
Eastern District of New York

Edith Kelly
Chief U.S. Probation Officer

Michael J. Glattauer
Deputy Chief U.S. Probation
Officer

Gillermo G. Figueroa
Helen Georgopoulos
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Reply to:

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Tel. No. (631) 712-6309
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Branch Office:

147 Pierrepont Street
Brooklyn, NY 11201-2712
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Welcome to the Low Intensity Unit which is overseen by U.S. Probation Officer Petra deHaan. Continued compliance with the standard and special conditions as well as strict adherence to the simple regulations outlined below, should result in the successful completion of your supervision. Failure to follow the below requirements will result in your case being returned to a traditional Probation Officer for more intense supervision.

Low Intensity Unit Regulations:

- The Monthly Supervision Report (MSR) Form is to be received ELECTRONICALLY OR BY KIOSK no earlier than the first of the month and no later than the fifteenth day of the month in which it is due. For example, the MSR for August is due by September 15th. The electronic form is to be completed in its entirety with every question answered.
- **YOU WILL STILL BE SUBJECT TO RANDOM DRUG TESTING**
- Please find the Request to Travel Form attached with this letter which is required for all travel. Travel requests for destinations outside the United States may require Court approval and must be submitted at least **45 days in advance**. Non emergency requests for international travel submitted in less than 45 days will be denied.

VERY IMPORTANT: Some foreign nations prohibit individuals on supervision from entering their country or have procedures that may be in place, that must be met prior to entering their country. It is strongly encouraged that you inquire with the Consulate(s) for countries you are requesting authorization to visit. **Non emergency requests for international travel, submitted in under 45 days, will be denied.**

The travel form may be emailed to the following address: NYEPml_LIU-2@nyep.uscourts.gov, or faxed to (347) 534-3622.

Thank you for your attention and if there are questions or concerns please contact U.S. Probation Officer Petra deHaan (631) 712-6337.